

REMARKS/ARGUMENTS

This paper is submitted in response to the Office Action dated November 15, 2006. At that time, claims 1-34 and 40-50 were pending in the application. Claims 35-39 have previously been withdrawn in response to a restriction requirement. In the Office Action, the Examiner objected to claim 40 and rejected claims 1-10, 12-15, and 18-21 under 35 U.S.C. § 112, second paragraph. Claims 1, 3-7, 10-11, 16-18, 20-21, 23-24, 27, 29, 31-32, 40-46 and 50 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,474,323 issued to Davidson (hereinafter "Davidson"). Claims 1-8, 10-14, 16-18, 20-25, 27, 29-33 and 40-50 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,303,951 issued to Goestenkers et al. (hereinafter "Goestenkers"). Claims 9, 15, 19, 26, 28, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Davidson or Goestenkers in view of U.S. Patent No. 5,774,776 issued to Bauer (hereinafter "Bauer").

By this paper, Applicant respectfully responds to the issues raised in this Office Action. Favorable consideration and allowance of the claims is respectfully requested.

I. Specification

The cover page of the Office Action indicated that the specification was "objected to" by the Examiner. However, nothing in the Office Action mentions or explains this "objection." Rather, all the Examiner has done is to remind Applicant of the proper format of the abstract. No formal objection to the abstract was issued. No other objection to the specification was indicated. Accordingly, Applicant believes that nothing in the submitted specification (including the abstract) is improper. As such, Applicant has not amended the specification by the present paper. If the Examiner believes that an amendment to the specification is necessary, Applicant requests that the Examiner contact the Applicant's attorney so that the issue may be formally addressed.

II. Claim Objection

The Examiner objected to claim 40 for an informality. Applicant has amended claim 40 as suggested by the Examiner. Therefore, Applicant requests that this objection to claim 40 be withdrawn.

III. Rejection of Claims 1-10, 12-15, and 18-21 Under 35 U.S.C. § 112

The Examiner rejected claims 1-10, 12-15, and 18-21 as being indefinite under 35 U.S.C. § 112, second paragraph. The Examiner asserted that claim 1 was unclear because the claim terminology "to be deployed" was "unclear." The Examiner also indicated that some of the terms found in claims 2 and 12 lacked the proper antecedent basis. Further, the Examiner stated that claim 18 was improper because the "scope of [the claim terminology] 'without substantial'" was "unclear." *See* Office Action, p. 3. As a result of this paper, the claims have been amended to address these issues. Withdrawal of these rejections is respectfully requested.

IV. Rejection of Claims 1, 3-7, 10-11, 16-18, 20-21, 23-24, 27, 29, 31-32, 40-46 and 50 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 3-7, 10-11, 16-18, 20-21, 23-24, 27, 29, 31-32, 40-46 and 50 under 35 U.S.C. § 102(b) as being anticipated by Davidson. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Davidson because Davidson does not disclose all of the limitations in these claims. As a result of this paper, independent claims 1, 11, 16, 27, and 40 have been amended to recite that "the

substrate surface is configured to receive a skin-and-foam overlay to provide a surface suitable for use" in the interior of the vehicle. This claim element is similar to that which was found in prior claim 2. Such a claim element is not disclosed by Davidson. Accordingly, Davidson cannot anticipate claim 1 under § 102(b). Withdrawal of this rejection is respectfully requested.

Claims 3-7 and 10 each depend from independent claim 1. Claims 17-18, 20-21, and 23-24 each depend from independent claim 16. Claims 29 and 31-32 each depend from independent claim 27. Claims 41-46 and 50 each depend from independent claim 40. Accordingly, these dependent claims, namely claims 3-7, 10, 17, 18, 20, 21, 23, 24, 29, 31-32, 41-46 and 50, are all patentable over Davidson for the same reasons as put forth in conjunction with the independent claims. Withdrawal of these rejections is respectfully requested.

V. Rejection of Claims 1-8, 10-14, 16-18, 20-25, 27, 29-33, and 40-50 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-8, 10-14, 16-18, 20-25, 27, 29-33, and 40-50 under 35 U.S.C. § 102(b) as being anticipated by Goestenkers. This rejection is respectfully traversed.

As noted above, a claim is anticipated under § 102(b) only if each of the claim elements is found in the prior art reference. *See* MPEP § 2131. Applicant respectfully submits that Goestenkers does not disclose all of the elements of the present claims. Specifically, as a result of this paper, claims 1 and 11 have been amended to recite that "there is no opening between the substrate surface and the instrument panel when the airbag module is installed" onto an interior of the vehicle. This claim element is not disclosed by Goestenkers. On the contrary, Goestenkers teaches a system in which there is an opening 22 between the airbag module and the instrument panel 20. *See* Goestenkers, Figure 2. Accordingly, Goestenkers clearly fails to disclose a system in which there is no opening between the substrate surface and the instrument panel. As Goestenkers fails to disclose this claim element, Goestenkers cannot anticipate this claim under § 102(b). Withdrawal of this rejection is respectfully requested.

Claims 3-8, 10 each depend from claim 1. Claims 12-14 each depend from claim 11. Accordingly, these dependent claims are allowable over Goestenkers for the same reasons put

forth in conjunction with claims 1 and 11. Withdrawal of these rejections is respectfully requested.

With respect to independent claims 16 and 27, these claims have been amended to recite that "there is no opening between the substrate surface and the primary dashboard panel." Again, such a claim element is not disclosed by Goestenkers. Rather, Goestenkers discloses a system in which there is an opening between the substrate surface and the dashboard panel. Accordingly, as Goestenkers fails to disclose this element, Goestenkers cannot anticipate these claims under § 102(b). Withdrawal of this rejection is respectfully requested.

Claims 17, 18, and 20-25 each depend from claim 16. Claims 29-33 each depend from claim 27. Accordingly, these dependent claims, namely claims 17-18, 20-25 and 29-33, are allowable over Goestenkers for the same reasons put forth in conjunction with independent claims 16 and 27. Withdrawal of these rejections is respectfully requested.

With respect to independent claim 40, this claim has been amended to recite that "there is no opening between the substrate surface and the instrument panel when the airbag module is installed onto the vehicle." As noted above, this element is not disclosed by Goestenkers. Accordingly, Goestenkers cannot anticipate this claim under § 102(b). Withdrawal of this rejection is respectfully requested.

Claims 41-50 each depend from claim 40. Accordingly, these dependent claims are allowable over Goestenkers for the same reasons put forth in conjunction with claim 40. Withdrawal of these rejections is respectfully requested.

VI. Rejection of Claims 9, 15, 19, 26, 28, and 34 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 9, 15, 19, 26, 28, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Davidson or Goestenkers in view of Bauer. This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the elements in these claims.

Claims 9 and 15 depend from claim 1. As a result of this paper, dependent claims 9 and 15 require that "there is no opening between the substrate surface and the instrument panel when the airbag module" is installed onto an interior of the vehicle. As noted above, this claim element is not taught or suggested by Goestenkers. Davidson also fails to teach or suggest this element. Further, Bauer also fails to teach or suggest this element. Accordingly, as all of the elements of claims 9 and 15 are not taught or suggested by the cited references, these claims cannot be rejected under § 103. Withdrawal of this rejection is respectfully requested.

Claims 19 and 26 depend from claim 16. Claims 28 and 34 depend from claim 27. As a result of this paper, both claim 16 and claim 27 recite that "there is no opening between the substrate surface and the primary dashboard panel." Accordingly, dependent claims 19, 26, 28, and 34 recite that "there is no opening between the substrate surface and the primary dashboard panel." As noted above, this claim element is not taught or suggested by Goestenkers. Davidson also fails to teach or suggest this element. Further, Bauer also fails to teach or suggest this element. Accordingly, as all of the elements of claims 19, 26, 28, and 34, are not taught or suggested by the cited references, these claims cannot be rejected under § 103. Withdrawal of this rejection is respectfully requested.

VII. Conclusion

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,


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